

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NJOLAH KARMO and	:	
DEDEDEH KARMO	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION
v.	:	
	:	No. 14-cv-2797
BOROUGH OF DARBY	:	
ET. AL.,	:	
	:	
Defendants.	:	

**ORDER**

AND NOW, on this 25th day of September, 2014, upon consideration of Defendants Borough of Darby, Darby Borough Police Department, Timothy Ervin, Mark Hudson, Liam McElwee, Robert Smythe, and Robert Zubrowski's ("Moving Defendants") Motion to Dismiss (Doc. No. 10), and Plaintiffs' Response thereto (Doc. No. 18); as well as Defendant Kevin McAveney's Motion to Dismiss (Doc. No. 13) and Plaintiffs' Response thereto (Doc. No. 19). Moving Defendants' Motion to Dismiss is GRANTED in part, and DENIED in part; Defendant McAveney's Motion to Dismiss is GRANTED in part and DENIED in part.

Plaintiffs' claims brought under the following amendments, statutes and constitution are hereby DISMISSED with prejudice:

1. Fifth Amendment to the U.S. Constitution;
2. Eighth Amendment to the U.S. Constitution;
3. Fourteenth Amendment to the U.S. Constitution;
4. Pennsylvania Constitution;
5. 42 U.S.C. § 1985(3); and

6. 42 U.S.C. § 1986.

Plaintiffs' claims against the Darby Borough Police Department, Darby Borough, Defendant Robert Smythe, and the defendants in their official capacities are DISMISSED with prejudice.

The Motions to Dismiss are DENIED as to the claim under the First Amendment to the U.S. Constitution. Plaintiffs may proceed with this claim.

Defendant McAveney's Motion to Dismiss is DENIED as to the claim for punitive damages against Defendant McAveney. Plaintiffs may proceed with this claim.

As they were not challenged by either Motion, Plaintiffs' claims under the Fourth Amendment to the U.S. Constitution and Pennsylvania state law may proceed.

BY THE COURT:

s/J. Curtis Joyner  
J. CURTIS JOYNER, J.